

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAMAR OGELSBY,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	NO. 19-cv-5598
	:	
TAMMY FERGUSON, et al.,	:	
Respondents.	:	

O R D E R

AND NOW, this 12th day of July, 2021, upon consideration of Petitioner's Motion for Leave to Amend Habeas Petition (ECF No. 26), Petitioner's Corrected Motion for Leave to Amend Habeas Petition (ECF No. 27), the Commonwealth's response thereto (ECF No. 28), and Petitioner's reply in support (ECF No. 31), it is hereby **ORDERED** that Petitioner's Motion for Leave to Amend Habeas Petition (ECF No. 26) is **DENIED as MOOT** and Petitioner's Corrected Motion for Leave to Amend Habeas Petition (ECF No. 31) is **GRANTED in part** and **DENIED in part**. Petitioner's corrected motion for leave to amend is granted as to his amended Claim Ia that the Commonwealth misrepresented the timing of Hill's cooperation vis-à-vis his sentencing and as to his Claim XIII that the Commonwealth suppressed evidence that Harris received favorable treatment in his pending criminal matter in exchange for his cooperation against Petitioner. His motion is denied as to his amended Claim Ia that Hill received favorable treatment in his pending criminal matter in exchange for his cooperation against Petitioner. It is **ORDERED** that Petitioner shall file an amended habeas petition consistent with this memorandum. Further, Petitioner's request for a continuation of the stay in this matter is granted. This matter shall remain **STAYED** pending the resolution of Petitioner's ongoing state court post-conviction proceedings for him to properly exhaust his claims. It is

further **ORDERED** that within seven days of the completion of Petitioner's state court post-conviction proceedings, Petitioner's counsel shall file a status update with the Court.

BY THE COURT:

/s/ Lynne A. Sitarski
LYNNE A. SITARSKI
United States Magistrate Judge